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WORLD CONFERENCE ON HUMAN RIGHTS

Preparatory Committee
First session
Geneva, 9-13 September 1991
Items 5, 6 and 7 of the provisional agenda

AGENDA, RULES OF PROCEDURE, DATES, DURATION, VENUE OF AND PARTICIPATION AT THE WORLD CONFERENCE

PREPARATORY MEETINGS AND ACTIVITIES AT THE INTERNATIONAL, REGIONAL AND NATIONAL LEVELS

STUDIES AND OTHER DOCUMENTATION FOR THE WORLD CONFERENCE

Recommendations on the World Conference on Human Rights and its preparation submitted pursuant to paragraph 10 of General Assembly resolution 45/155

Report of the Secretary-General

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AMNESTY INTERNATIONAL

1. Amnesty International considers that the World Conference on Human Rights should provide a unique opportunity for the international community, both governmental and non-governmental, to undertake an in-depth and critical review of the work of the United Nations in the field of human rights, as well as the relationship and coordination of these activities with other areas of work undertaken by the United Nations.

2. Amnesty International attaches the highest importance to the work of the United Nations in promoting respect for human rights. Notwithstanding the achievements in the area of standard-setting in the past decade and the establishment by the United Nations of a range of different mechanisms to address violations of human rights directly, it is shocking that gross violations of the most fundamental and basic rights - torture, "disappearance", summary or arbitrary executions and arbitrary and unlawful imprisonment - continue to occur throughout the world on a large scale. The mechanisms and procedures established so far by the United Nations have not proved to be capable of adequately and effectively confronting critical situations of grave and massive human rights violations or to protect the countless victims of such abuses. Even in situations where the scale and severity of government repression result in massive outflows of refugees or threaten political stability and international security, the United Nations has not been able to deal effectively with the gross violations that typically constitute the root cause of such precarious situations.

3. Amnesty International believes that this remains a major challenge for the United Nations and that one of the primary goals of the World Conference must be to determine new and more effective procedures by which the United Nations can take concrete and decisive steps in situations of grave human rights violations to protect individuals at risk, to work towards bringing such violations to an end and to encourage the restoration of respect for human rights, including full compliance with international human rights standards. Special consideration could be given, for example, to the creation of a standing mechanism by which the United Nations could act rapidly and take urgent measures to protect individuals at risk as well as provide ongoing and sustained human rights monitoring where this is needed. Particular attention should also be given to devising new methods of dealing with gross violations of fundamental human rights when such violations have become a long-standing and entrenched pattern and continue to occur on a wide scale, notwithstanding changes in government or other political developments in a country.

4. Amnesty International also believes that measures for the protection of human rights cannot be considered in isolation; they should form part of wider political discussions and settlements, particularly when the United Nations is closely involved in such discussions. The organization welcomes the fact that human rights are playing an increasingly important role in the activities of the United Nations in the international arena, as has been demonstrated in the United Nations independence plan for Namibia, in the plan for the implementation of the settlement proposals for Western Sahara, in the negotiations concerning Cambodia and by the role of the United Nations in the verification of the Agreement on Human Rights concluded in El Salvador. In another context, Amnesty International recently submitted a proposal to the

Secretary-General concerning the need for an ongoing United Nations human rights monitoring operation in Iraq. Further consideration could usefully be given to these examples of United Nations action in the field of human rights and to ways in which such action could be further developed and integrated more closely in the United Nations human rights programme as a whole.

5. As part of this process of reviewing the capacity and potential for the United Nations to respond more effectively in situations of grave human rights violations, we would also recommend that the World Conference should critically review existing methods and mechanisms used by the United Nations in the field of human rights. In particular, the Conference should evaluate as a central issue the ability and potential of these existing methods and mechanisms to address situations of gross violations and the obstacles which have so far prevented or impeded an effective United Nations response to such situations. Similarly concrete recommendations to improve the effectiveness of United Nations activities and mechanisms should include specific recommendations aimed at strengthening those mechanisms which are mandated to take up grave violations of fundamental rights including torture, "disappearance", summary or arbitrary executions and arbitrary and unlawful detention. In particular, the World Conference should examine ways to enable the United Nations to act more firmly in response to the findings and recommendations of these mechanisms in an impartial and non-selective manner.

6. Amnesty International also wishes to emphasize to the Preparatory Committee the key role that non-governmental organizations play in the human rights field and considers that such organizations should be able to play a full and active role in the World Conference. This would include allowing for the full participation by NGOs in all stages of the preparatory process for the Conference, including in all the preparatory meetings. We would urge the Preparatory Committee to ensure that both national and international NGOs have an opportunity to participate in this process and that such NGOs should also be able to contribute to the studies and documentation to be prepared for the World Conference.

FRIENDS OF THE EARTH INTERNATIONAL

1. We urge the World Conference on Human Rights to focus its attention on emerging areas of human rights law rather than on more traditional ones. This is not to imply that the more traditional areas should be ignored. Our organization feels that it is important for the international community to assess progress in eliminating practices universally regarded as constituting gross violations of human rights. However, we feel that the international community has defined and codified human rights law relating to many of these practices (torture, discrimination, apartheid, slavery), but has as yet not adequately developed other areas of human rights concern that are rapidly overwhelming us all.

2. One of the issues we think it is important to emphasize is human rights and the environment - an issue we think will be one of the most important human rights issues into the twenty-first century. We have been pleased that the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Commission on Human Rights have already taken steps to address this long-neglected area of human rights.

3. We would like to suggest that the Preparatory Committee include the initiative from the Ministry for Housing, Physical Planning and Environment of the Netherlands to develop a "charter on environmental rights and obligations of individuals, groups and organizations". A draft for this charter was endorsed by the representatives of the main European environmental NGOs in March last year when preparing their "agenda for action" for the Brazil 1992 process. The Dutch Ministry is organizing a conference at The Hague to seek the support of other governments for this charter. We think it would be especially appropriate for the Conference to focus on this topic. In particular, we think that the Conference should invite the Sub-Commission's rapporteur on this topic, Mrs. Fatma-Zohra Ksentini, to participate in the Conference and its Preparatory Committee.

4. Other areas of increasing concern include two issues related to human rights and the environment: the rights of indigenous peoples, especially those living in accordance with traditional ways in areas increasingly threatened by ecological devastation; and the issue of economic justice, especially as it relates to addressing problems of extreme poverty. Accordingly, we think these areas should receive great attention at the Conference.

HUMAN RIGHTS ADVOCATES

Evaluating the effectiveness of the methods and mechanisms of the United Nations in the field of human rights

1. Human Rights Advocates (HRA) endorses General Assembly resolution 45/155 and Commission on Human Rights resolution 1991/30. In particular, we note Recommendation 4 of the annex to resolution 1991/30, which directs the Preparatory Committee to consider how it can "work towards improving implementation of existing human rights standards and instruments, evaluating and formulating concrete recommendations aimed at improving methods and mechanisms used by the United Nations in the field of human rights and ways to minimize duplication wherever possible." With respect to this item, HRA frst offers general suggestions relating to the work of the Preparatory Committee and follows with comments concerning specific human rights issues.

Work of the Preparatory Committee

2. First, the Preparatory Committee should examine how the various agencies concerned with human rights can learn from each other. Thus, for example, the Committee could look at mechanisms used by the United Nations High Commissioner for Refugees and the International Committee of the Red Cross as well as those used by United Nations bodies in dealing with human rights concerns, in order to evaluate what has been most effective in addressing those concerns.

3. Second, HRA urges the Preparatory Committee to explore the methods that have been used to compensate the victims of human rights abuses to determine whether they have been effective. Specifically, the Preparatory Committee should consider whether compensation methods for victims can be used as a deterrent to violations. If so, the Preparatory Committee could include recommendations to the World Conference that the General Assembly, the

Commission on Human Rights, and the Sub-Commission on Prevention of Discrimination and Protection of Minorities contemplate the use of punitive reparations to victims as well as other methods of restitution to deter future violations.

4. Third, the Preparatory Committee should appraise what assistance could be given to non-governmental organizations to aid them in increasing their effectiveness in the methods and mechanisms used by the United Nations. One example of such assistance would be to request that the Centre for Human Rights provide facilities to NGOs so that they could convene an exclusive NGO conference to discuss their role in those mechanisms. A good time to convene such a conference would be in August in Geneva when many of the NGOs convene for the Sub-Commission session.

Rights of women

5. Human Rights Advocates is concerned with promoting the international protection and implementation of all categories of human rights - economic, social, cultural, civil and political - and fundamental freedoms for all, including women, men, and children. Thus, this part of our communication includes comments which express some of our concerns about the situation of women throughout the world. In making these comments, HRA wishes to emphasize that consideration of women's rights should be integrated into the overall discussions of the Preparatory Committee and the Conference. Women's issues should not be relegated to separate agenda items. The Preparatory Committee should ensure that all the major United Nations human rights bodies such as the Commission on the Status of Women, and not only the Commission on Human Rights, are involved in its sessions. There should be a high level of representation on behalf of the Branch for the Advancement of Women.

6. HRA recommends that the Conference give special attention to the importance of improving the realization of women's rights in relation to the right to development and should consider ways this benefits not only women but society as a whole.

7. HRA recommends that the agenda include discussion of ways to strengthen the institutions for the protection, promotion and implementation of the human rights of women. Examples of issues that could be included are:

(a) Explore means for improving the situation of women in institutions such as the United Nations Secretariat. The United Nations Women's Decade established a modest quota of 30 per cent of senior positions in the Secretariat to be held by women. As of 1990 this goal was not met;

(b) Consider means of avoiding the ghettoization of women's rights. The lack of coordination between the Centre for Human Rights and agencies in Vienna dealing with women's issues has resulted in the separation of women's rights from human rights. Evidence of this is found in the United Nations Yearbook on Human Rights, which discusses the various treaty-based bodies that implement human rights, but which fails to include coverage of CEDAW, the Committee established by the Convention on the Elimination of All Forms of Discrimination against Women;

(c) Examine methods for reducing discrepancies in financing various human rights bodies. Great variations exist in funding human rights bodies in general, with those that deal with the situation of women receiving fewer resources;

(d) Request that guidelines for government reports submitted to United Nations bodies include specific information on the situation of women. This will give a clearer and more complete picture of the human rights situation in a particular country as well as provide background information needed for the 1995 United Nations conference on women;

(e) Discuss inclusion of protection against violations such as domestic violence and battering within international norms on women's rights.

Human Rights and the Environment

8. The rapidly deteriorating state of our environment is already well known. A particularly unsettling aspect of humankind's destruction of the Earth's environment is the exploitation and degradation of human beings as part and parcel of the exploitation and degradation of natural resources.

9. The United Nations Commmission on Human Rights, in its resolution 1990/41 of 6 March 1990, has encouraged the Sub-Commission on Prevention of Discrimination and Protection of Minorities to investigate the link between human rights and the environment. The Sub-Commission has appointed a Special Rapporteur, Mrs. Fatma-Zohra Ksentini, to undertake the investigation. In her preliminary report (E/CN.4/Sub.2/1990/12), Mrs. Ksentini stated:

> "Acknowledgement of the link between the environment and human rights was fostered by an awareness of the global, complex, serious and multidimensional nature of environmental problems. Moreover, attention is being focused more and more on environmental deterioration wherever it occurs, on understanding its causes and on examining its repercussions and the risks involved."

10. Her investigation has revealed that many documents have been adopted by international, regional and national bodies to develop and/or strengthen environmental protections to avoid the consequent human and community impacts. Life itself can be threatened by environmental disasters. The Chernobyl and Bhopal accidents are probably some of the more recent, stark reminders of this. The right to life, universally accepted as a fundamental human right, 1/ may include the duty of States to protect the populace from life-threatening environmental catastrophes.

11. Destruction of the environment often impairs human health. A right to health has been declared through international declarations and treaties. 2/ It too may include the duty of States to protect the populace from life-threatening environmental catastrophes. Certain instruments even declare a "right to the environment", 3/ though the definition of this right is unclear.

12. Development of these issues through the human rights forums will continue to be crucial in protecting people from harm. The Human Rights Commission should play a significant role in this development and work with other international bodies, such as the United Nations Environment and Development Programmes.

13. An important contribution that the Human Rights Commission can make in this area is to develop concepts of popular participation including participation in the environmental decisions of Governments that could have a significant impact on human settlements and their environments. Popular participation in government, recognized by the General Assembly as necessary for meaningful socio-economic development, 4/ is currently being studied by the Commission on Human Rights (E/CN.4/1991/11). The Secretary-General has received comments from various States regarding popular participation in environmental decisions. 5/

14. For example, nuclear power plants, toxic waste incinerators and hazardous waste disposal sites are projects that have the potential to harm the human environment significantly. The public should have a right to participate in the development of these projects, including the right to adequate information on the health and safety risks that these projects pose to the community. An informed public could prevent an ill-conceived project from progressing until it is proven to be safe; lobby for regulation of hazardous facilities to decrease the likelihood of accidents; and take other such steps to protect itself from harm. In this way, people can actively seek to protect their lives and health. Without this special information, communities that do not receive reliable information (whether from polluting industries or Government) of the potential impacts of hazardous projects and conditions are at greater risk of being exposed to health risks.

15. Human Riights Advocates recommends that the Preparatory Committee include in the agenda for the World Conference a discussion on how popular participation can foster protection of individuals and their communities from today's complex environmental problems.

INTERNATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS

International protection of human rights being one of its priority objectives, the Association therefore welcomes the idea of holding the above-mentioned Conference. The Association points out, however, that the effectiveness of international meetings on human rights is in inverse proportion to their number. We would therefore wish emphasis to be placed on specific proposals for development of the protection of human rights. Consequently, we should like to see the Conference affirm or endorse three juridical declarations or findings, namely that, from the standpoint of positive international law:

- Serious violations of human rights are crimes against humanity;

- The courts of all States have competence to try any cases involving such crimes, irrespective of the place where they were committed and irrespective of the nationality of the perpetrator or the victim (universal competence);

- Such crimes are imprescriptable and, a fortiori, no amnesty may be granted in respect of them.

INTERNATIONAL ASSOCIATION OF PENAL LAW

The International Association of Penal Law submitted a draft programme for a world conference on human rights containing the following main themes: self-determination and minority rights; protection of fundamental human rights through international criminal law; the human right to development; the human right to a clean environment; State responsibility for human rights violations; the effectiveness of regional human rights implementation and assessment; protection against discrimination; protection of children; protection of the rights of the mentally ill; access to justice for the protection of human rights; human rights education; and human rights and the mass media.

INTERNATIONAL CENTRE OF SOCIOLOGICAL, PENAL AND PENITENTIARY RESEARCH AND STUDIES (INTERCENTER)

1. INTERCENTER considers that the Conference, while not ignoring problems of international implementation, should seek primarily: (a) to identify through an interdisciplinary approach, the new challenges posed for human rights by the great problems of the twenty-first century: advances in biological science and communications, demographic trends, mass migrations, revival of fanaticism, etc.; and (b) to prepare, if necessary, new international norms for safeguarding human rights in these new contexts, as well as new forms of implementation.

2. INTERCENTER is prepared to participate in all efforts made to the above ends. It can contribute its expertise, and its unequalled experience over a 12-year period, in connection with such matters as international courses of police training, regional penitentiary training and prospective sociological and criminological research in a multicultural urban environment.

3. Specifically, INTERCENTER would be prepared to consider holding, in Sicily, under the joint auspices of the Centre for Human Rights and INTERCENTER, an international symposium of experts on the global theme: "Human rights and the administration of justice in the context of the new challenges of the twenty-first century (scientific and technological progress, demographic problems, migratory flows, intercultural tensions, etc.)".

INTERNATIONAL FEDERATION TERRE DES HOMMES (FITDH)

1. FITDH would like to see the World Conference on Human Rights held in a State that has not only proclaimed its attachment to the principles of human rights but has also put its highly praiseworthy aims into effect. It would also like the NGOs to be associated with all stages of the preparations for the Conference and to participate actively therein.

2. With reference to paragraph 1 (b) of resolution 45/155, FITDH proposes that the Conference should investigate why the machinery for the monitoring and protection of economic, social and cultural rights is much less highly developed than that for civil and political rights, and that it make

recommendations for further development of the former. The Conference might also examine the problem of the lack of coordination between activities connected with the right to development and the activities of the programmes, specialized agencies and other organizations of the United Nations system that are concerned with development. This lack of coordination can lead to inconsistencies.

3. With regard to paragraphs 1 (c) and (d), the Conference should consider the problem of implementation of the resolutions adopted by the Commission on Human Rights and other bodies on the subject of human rights. These resolutions, which contain many positive elements contributing to progress of the cause of human rights, lose their meaning when not implemented by the States concerned.

4. With regard to paragraph 1 (f), the FITDH would like the Conference to stress the urgency of increasing substantially the financial and human resources of the United Nations allocated for the human rights programme.

INTERNATIONAL FELLOWSHIP OF RECONCILIATION

1. The International Fellowship of Reconciliation welcomes the plans being made for a World Conference on Human Rights in 1993. Such a Conference will present an historic opportunity to review current international institutions and mechanisms for the protection of basic human rights around the world and, by bringing fresh light onto this most important area of global concern, to provide impetus for the strengthening of these institutions and mechanisms.

2. We are very aware of the extent to which the United Nations system solicits and listens to the voices of non-governmental organizations in the field of human rights. We hope that the World Conference on Human Rights will be truly that - a World Conference which will be designed and organized in such a way that voices from all quarters, governmental and non-governmental, will be able to be heard and which will allow a genuine framework in which a strengthened transnational consensus on human rights and how to promote and protect them can emerge.

3. We are particularly concerned about the development of the means whereby States suspected of being in breach of their human rights commitments and obligations under international agreements can be investigated and, where found wanting, effectively forced to comply. Also, we hope that the World Conference will allow a new look at the question of economic, social and cultural rights now that Cold War tensions have lessened and the extent to which the distinction between such rights and civil and political rights has blinded one party or the other can no longer be excused. The centrality of the concept of justice to the concerns of the World Conference on Human Rights needs to be emphasized.

4. In the debate concerning the World Conference there were many suggestions of value. Among these were three areas which we feel merit special attention:

(a) The importance of education and information in building awareness of human rights. An examination of efforts to teach human rights in primary, secondary, university and professional schools should be carried out. "Informal education" and awareness-building should also be considered.

Information programmes - those of the United Nations, Governments and non-governmental organizations - dealing with human rights should be reviewed with a view to strengthening them;

(b) Human rights in areas of armed conflict. War and violence are destructive of human rights. There should be a close examination of the links between the violation of human rights, armed conflict, refugee flows, internal displacement of peoples due to conflict, respect for humanitarian law and the mediation of armed conflicts;

(c) The most effective use of existing infrastructure at the national, regional, and world level. An examination of existing institutions for the protection of human rights will be at the heart of the World Conference. Such an examination requires independent research and a realistic overview. In the light of this examination, future financial and human resource needs should be discussed and recommendations made.

INTERNATIONAL INSTITUTE OF HUMANITARIAN LAW

The International Institute of Humanitarian Law proposes that the World Conference on Human Rights introduce the special subject which becomes very controversial in its implementation, that is the question of the interrelationships and interdependence between human rights, international humanitarian law, migration law and refugee law.

INTERNATIONAL MOVEMENT ATD FOURTH WORLD

The eradication of poverty: A challenge for the defenders of human rights

1. As the international community prepares to evaluate the progress made and to see what remains to be done in order to realize human rights for all, it faces major challenges created by the world's current problems. One of these challenges is the need to overcome poverty, as stated in the preamble to the Universal Declaration of Human Rights: "... the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people".

2. The persistence of extreme poverty and social marginalization in all countries calls increasingly urgently for action to be taken by the international community. Various United Nations bodies are no longer hesitating to place this question on the agenda for their meetings. These include the Economic and Social Council, the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, UNICEF, UNESCO and ILO. As the Secretary-General of the United Nations pointed out in his 1990 Human Rights Day message, the ending of poverty is an essential stage in the construction of a world of justice and peace.

The very poor remind us of the bases of human rights

3. This realization by these various bodies of the phenomenon of poverty did not occur by chance. One man, Father Joseph Wresinski, who was born in poverty himself, made it possible for a new page of history to be written, the history of the poorest members of mankind, and it was he who enabled them to

be heard. Father Joseph brought the reality of the existence, the experience and the thinking of the very poorest to the attention of these bodies. He secured representation of these people in those bodies. In the overall context of human rights, he revealed how poverty constitutes a deep infringement of the dignity and integrity of those who have to endure it. He made people understand how experience of the life of the poorest people reveals the indivisibility of human rights. Father Joseph and the voluntary workers of ATD Fourth World, by sharing the life of the very poor, rediscovered the basic notion of human rights, namely the inherent dignity of every human being, whatever his social, ethnic or racial origin, his economic status or his way of life. Father Joseph reaffirmed the need to place at the very centre of the debate on human rights man himself, with all his inalienable and indivisible components: "If we only heeded them, the poorest among us would remind us of something we appear to have forgotten, namely the fact that every individual is a human being and that human rights must therefore be defended, not in the name of some idea of law, but in the name of human beings".

The poorest people demonstrate the indivisibility of human rights

4. It is quite apparent that poverty tortures people both in their body and in their mind and affects both the material and the non-material conditions of their existence. It is in this sense that poverty constitutes a violation of human rights as a whole. To combat poverty we must therefore consider human rights as an indivisible whole and we must seek to secure all human rights simultaneously. For those who are totally deprived, the defence of civil and political rights and of economic, social and cultural rights constitutes a single cause.

5. It is important to realize the extent to which economic, social and cultural dependence and life in poverty curb a person's freedom as a citizen. Lacking economic, social and cultural rights, the poorest among us cannot fulfil their family and social responsibilities and are regarded as second-class citizens whom we no longer call upon to participate. Conversely, economic goods granted grudgingly to the very poor cannot free their minds or enable them to feel themselves the equals of other members of the community. The right to bear responsibility and to be useful is a constituent element of human dignity and therefore of human rights.

6. With regard to the indivisibility of human rights, experience of life in an environment of poverty teaches us several things: that civil and political rights and participation in society remain a dead letter if economic and social rights and freedoms do not exist; that the granting of economic, social and cultural rights is a betrayal of human rights if their purpose is not to give freedom through security and knowledge; that human rights are perverted if they do not lead to the possibility of ensuring dignity for all. To quote Father Wresinski: "Populations suffering deep poverty have expressed their belief that to live as a man, as a brother and as a citizen means being able to assume responsibilities. For them human rights take on their real significance and are fully realized only if they enable people to be responsible, in other words to be workers who are recognized, to be parents able to raise their children, to be useful members of a community and to be men and women participating in the future of their country. They thus make us

recognize not only the indivisibility of rights and responsibilities, but also the fact of co-responsibility, which means the indivisibility of individuals and peoples".

The very poor, the first defenders of human rights

7. What Father Wresinski has shown and what the permanent volunteers of our Movement who live with the very poor can testify to is the fact that rejection of poverty is taking root and expressing itself daily in the life of the very poor. These people struggle every day to live in dignity, every day they withstand humiliation and every day they engage in acts conducive to reconciliation despite the violence they have suffered, thus making hope possible despite their inhuman living conditions. By a thousand gestures, the very poor are developing human rights in their daily lives. What was needed in addition, however, was to give meaning to their gestures and to ensure that they were recognized.

8. By founding the International Movement ATD Fourth World together with families living in extreme poverty, some 35 years ago, Father Joseph made a break with conventional welfare action. He developed an associative existence for the very poor, with authorization to be heard and to be recognized in that inalienable dignity which establishes the right to think and to speak for one's community and for the national and international community, as well as to defend those who are even more poor than oneself.

9. Their experience of this life places them in the front rank of the defenders of human rights. Being constantly confronted with violence, the very poor know how all men wish for peace. Living in chaotic conditions, they know the need for harmony; dependent on others, they know the price of freedom; reduced to silence and to social inexistence, they appreciate the value of freedom of speech; abandoned and humiliated, they know the value of love.

Human rights and extreme poverty: A subject about which we must learn

10. It was in 1987, at the forty-third session of the Commission on Human Rights, that Father Joseph asked that body to take up the question of extreme poverty, as a factor which demonstrates the indivisibility of human rights. The Commission has since recognized, in resolutions which it has adopted (1989/10 and 1990/15), that extreme poverty constitutes a violation of human rights, and it has requested the Sub-Commission to examine the question of human rights and extreme poverty. In its resolution 1991/14 the Commission emphasized the need for the poorest themselves to participate in this study, together with those working side by side with them.

11. The Sub-Commission has itself considered the question of extreme poverty and had stressed the need for further study of this question from the standpoint of human rights as a whole, which are indivisible and interdependent. By its decision 1990/119, it initiated a specific study of this question. Extreme poverty has also been examined in the context of Global Consultation on the Right to Development as a Human Right.

12. This combined investigative effort involving the human rights bodies of the United Nations, populations in extreme poverty and those who can bear witness to the condition of such populations constitutes a first step towards the realization of the human rights of the poorest. The association of populations not previously consulted with a study of their situation is itself an action in favour of human rights and a cause for hope.

The World Conference on Human Rights: Hope for the poorest

13. From the remotest centres of poverty in all parts of the world, wherever it is present and wherever it is in contact with individuals and small NGOs which have long been working in this field, the Movement can testify to the hope that has been raised by recognition of the problem of extreme poverty by the human rights bodies of the United Nations. Families who are living in poverty are following this development attentively, but without false hopes, for they know full well that their living conditions will not alter overnight through the mere fact of recognition of their situation. What is vital for them, however, and which completely alters the picture, is knowing that their situation is being taken into account, that they are being heeded and that their efforts, their suffering and their hopes may ultimately benefit all people. What the very poor are hoping for is that the participants in the Conference develop a new way of studying human rights, as a whole and not in a hierarchical manner, and that these rights will be evaluated on the basis of the experience of those who are most deprived of them because of their poverty. "We need you and the world needs us."

Proposals

14. The World Conference on Human Rights can ensure that significant progress is made in combating poverty and therefore in promoting human rights throughout the world. The overwhelming situation of millions of people everywhere who are living in poverty calls for urgent action. For this reason,

Noting the determination of the General Assembly in its resolution 44/155, paragraph 1 (a), "to review and assess the progress that has been made in the field of human rights since the adoption of the Universal Declaration",

Noting also the plan of the Commission on Human Rights, referred to in paragraph 2 of the annex to its resolution 1991/30, to keep in view the indivisibility of all categories of human rights,

The International Movement ATD Fourth World hopes:

- that in evaluating the effectiveness of all instruments for the protection of human rights account will be taken of the situation of the poorest people and of their aspirations;

- that the question "Human rights and extreme poverty" will be placed on the agenda of the Conference as an item of high priority so that, in the light of the situation of the poorest people, the international community may further its understanding of the indivisibility of human rights and of the policies to be pursued so as to enable all human beings to regain their rights and responsibilities;

- that the poorest themselves and the NGOs which are close to them or represent them will be consulted and allowed to give their views on the questions dealt with by the Conference.

INTERNATIONAL ORGANIZATION FOR THE DEVELOPMENT OF FREEDOM OF EDUCATION

1. The World Conference on Human Rights should enable the international community to establish a human rights culture by giving new impetus to the action undertaken in the framework of the world information campaign. It would be desirable for the Conference to contribute to substantial progress in three areas:

(a) the interdependence and universality of human rights;

(b) information and education;

(c) strengthening the machinery for protection of human rights.

2. The progress made in the democratization process, particularly in the countries of central and Eastern Europe, now enables us to see in a new light the interdependence of civil and political rights and of economic, social and cultural rights. The Conference should go a stage further and study in detail the consequences, including the economic consequences, of this interdependence.

3. With a view to effectively promoting this interdependence, we propose that, under the auspices of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, pilot research projects be undertaken in sensitive fields where this interdependence is particularly obvious. These projects might be undertaken by working groups open to the NGOs. One such project might deal with educational rights.

4. While respecting the various cultures and traditions, the Conference should emphasize the importance of the universality of human rights for the establishment of a world community based on law.

5. While human rights have entered into the language and the thinking of the man in the street, much still remains to be done before a real human rights culture is established.

6. During the last decade, many experiments have been carried out with the aim of introducing human rights into systems of education. However, it seems to us that, in order to achieve more concrete results, human rights should be considered, not so much as a subject, but rather as a common ethic of civil society. In this sense, human rights are more a matter of education than of teaching.

7. Viewed in this light, the teaching of human rights poses problems similar to those encountered in teaching values. These are matters requiring priority attention if solutions are to be found that will permit the incorporation of the human rights ethic in the education process, which is the first step towards establishment of a human rights culture.

8. It is therefore essential to strengthen the United Nations machinery for the protection of human rights. In our view, such strengthening necessarily calls for expansion of the rights of individuals vis-à-vis the human rights committees and a transformation of the role of the committees. As a first step, the Committee on Economic, Social and Cultural Rights should have the same competence as the Human Rights Committee, particularly as regards the right to receive communications. In a second stage, the two Committees could become a first instance for considering receivability and for examining cases, which they would then transmit to a Human Rights Court of Justice based on the European Court of Human Rights.

9. We deplore, incidentally, the almost total absence of debate in the Commission on Human Rights, but especially in the Sub-Commission, on the question of educational rights, the importance of which has been fully demonstrated. In particular, we regret that the right to freedom of education, which is specifically mentioned in both the Universal Declaration and the Covenants, has never been the subject of any major study or debate.

INTERNATIONAL ORGANIZATION OF JOURNALISTS (IOJ)

The non-governmental organization community in general and the IOJ in particular can greatly contribute to the realization of these objectives. Journalists and the mass media have been extremely active in recent years in examining situations where human rights are violated and in evaluating the work of intergovernmental organizations, including the United Nations and its mechanisms, in the field of human rights. More than 250 journalists have been killed during the last three years while performing their duty of responsibly informing their public. Many of them were silenced forever for exposing violations of human rights by Governments or vested interests.

INTERNATIONAL P.E.N.

1. The role of the non-governmental organizations in the framework and activities of the World Conference on Human Rights should be revised so as to make NGOs full and equal partners of representatives and Governments. As they represent public opinion, they are therefore entitled to a role similar to the one they enjoy in the International Labour Organisation or in parliaments vis-à-vis the executive.

2. NGOs in particular should be associated with all the negotiations initiated by the Conference and information submitted by them be considered in the same way and on equal terms as information coming from other sources, private or public.

3. Freedom of expression should be emphasized and its importance both as an indicator and as an agent of human rights promotion should be reviewed and stressed, and all means of defending and securing this essential right should, with the help of the NGOs concerned, be analysed and restated.

INTERNATIONAL STUDIES ASSOCIATION

1. The United Nations General Assembly should create the position of, and the Secretary-General should appoint a person to be, High Commissioner for Human Rights. The main duties of this office would be to:

(a) Monitor the global human rights situation;

(b) Issue early warnings about impending gross violations; and

(c) Provide good offices for the peaceful resolution of human rights problems.

2. The United Nations Commission on Human Rights, under the "1503 procedure", should publish rapidly not only the names of States found to exhibit a pattern of gross violations of internationally recognized human rights, but also a summary of the details leading to that judgement. This should be done within a very short time in order to have a greater impact on such situations.

3. The Secretary-General should present an annual report on global human rights, designed to draw attention to pressing problems. This should accompany the annual report to the General Assembly in September. This would be more thematic and policy-oriented than the reports of the annual sessions of the Commission on Human Rights that are published each February. It would serve to coordinate and highlight many disparate reports now coming out of the United Nations system.

4. An appeal should be made to Member States to increase voluntary funding for human rights technical services made available through the United Nations to requesting States. In this regard, the United Nations should expand its files concerning those lawyers, political scientists and others willing to serve through the organization as experts on various human rights subjects. An expanded United Nations programme of advisory services could do much to help not only States from the developing world, but others as well, to improve the human rights dimensions of governing institutions.

INTERNATIONAL UNION OF LOCAL AUTHORITIES (IULA)

1. IULA would be in favour of a World Conference on Human Rights particularly at a time when totalitarian Governments are being replaced by more democratic ones. While there is satisfaction that this development is taking place, we should not be complacent about the future. One of the lessons we should have learned from the situation in Eastern European countries is that citizens should demand a Government based on the rule of law and one that guarantees its citizens such basic rights as freedom of speech and assembly, shelter and food; opportunities for gainful employment; and freedom from fear of unlawful search and arrest, government by a small minority and the ignoring of the needs of the weaker members of society.

2. One of the ways in which these freedoms can be protected is by ensuring that citizens are able to influence decisions which affect their daily lives. At its 27th World Congress in Rio de Janeiro in 1985, IULA adopted a Worldwide Declaration on Local Self-Government which our national local government

associations were urged to submit to their national Governments for support on the international level. It is our firm belief that by strengthening local government, a whole country is strengthened, and that by promoting decision making at the local level, the wishes and needs of the citizens are more likely to be taken into account and basic human rights secured.

3. Although local government is not in the remit of the Centre for Human Rights as such, we believe that it underlies what the Centre stands for and how it puts its policies into practice. We would therefore like to suggest that local decision making by locally elected representatives should be incorporated into the reports submitted to the General Assembly by the Centre.

LATIN AMERICAN FEDERATION OF ASSOCIATIONS OF RELATIVES OF DISAPPEARED DETAINEES (FEDEFAM)

Objectives

1. FEDEFAM considers that the question of the constant and systematic violation of civil and political rights, as well as the increasing deterioration of economic, cultural and social rights, in the countries of North, Central and South America and the Caribbean - the geographical region in which we carry out our activities, should be discussed at the World Conference on Human Rights with a view to adapting and intensifying the efforts of the world community so as to secure full enjoyment of and respect for human rights as a whole.

2. If we fully recognize the importance of the holding of a World Conference on Human Rights "for the effectiveness of joint action by the United Nations and Member States to guarantee through international cooperation the promotion, effective implementation, protection and defence of human rights", we must first of all determine what in practice will be the means whereby States may commit themselves to this end. It will therefore be important to set as an objective for the World Conference on Human Rights the signing and ratification by all Member States of all the conventions, covenants and protocols dealing with human rights, the latter being considered to be indivisible and interdependent.

Participation

3. For the World Conference to be successful, it will be necessary, in FEDEFAM's view, for there to be broad participation in it by all sectors of society and the attendance must not be confined only to the Member States. To ensure really broad participation, special importance must be attached to the preparatory work in the various countries, in the course of which individuals, through their representative organizations, may put forward their aspirations and suggestions.

4. As far as Latin America is concerned, our Federation is committed to making every effort to ensure that the Conference will not be viewed as a merely formal event, but that it will produce educational and juridical results benefiting human rights in the countries of the region. We therefore

attach importance to the Preparatory Committee's strengthening of the work of the NGOs to these ends, particularly in those countries in which there have been systematic violations of human rights by the State.

Site

5. FEDEFAM considers that it would be improper, from every standpoint, for the World Conference on Human Rights to be held in a country in which human rights are being violated.

Agenda

6. With regard to the agenda for the Conference, our primary concern, as we have already indicated, is the fact that some States have not become parties to the international instruments on human rights, and also the fact that there are some States which have ratified treaties but are not implementing them.

7. We feel that the failure to secure implementation of the established rules concerning human rights constitutes a grave problem which reduces the credibility of the international instruments and of the United Nations itself. Perhaps one of the best examples of this is what is happening in Latin America. In this region, States which claim to observe and to be working for human rights have - for decades - been violating these rights systematically, do not take measures to guarantee them or fail to convict officials for violations which they have committed. A case in point is the impunity enjoyed by those responsible for the enforced disappearance of persons and other serious offences against human rights.

8. We believe that the United Nations must find methods of protecting and upholding human rights that will be binding on States. We also believe that the legislation of States should be made consistent with their international undertakings. Where this is not done, the population of the State concerned is virtually defenceless against the repeated abuses committed against it.

9. We wish to repeat that human rights are being ignored in the great majority of Latin American States, either through acts or omissions. The continued occurrence of the enforced disappearance of persons, of unlawful deprivation of liberty, of torture, of murder, etc., together with the lack of respect for economic, social and cultural rights and the intervention of foreign countries in the internal affairs of the countries of our continent, are among the most urgent matters to be dealt with realistically and honestly by the Conference if it is to be of benefit to the world's peoples.

10. The United Nations must tackle this question frankly and recognize that, despite all the years which have passed, the complaints which have been made and the rules which have been adopted, people still do not enjoy, for example, real protection against genocide and ethnocide.

REGIONAL COUNCIL ON HUMAN RIGHTS IN ASIA

1. The Regional Council on Human Rights in Asia, with regard to the World Conference's first objective to review and assess the progress that has been

made in the field of human rights since the adoption of the Universal Declaration of Human Rights, and ways in which obstacles to further progress in this area can be overcome, proposes that the following phenomena, particular to developing countries, be specifically discussed at the Conference:

(a) States of emergency, military governments and the role of the military and police in civilized society;

(b) Review of the definition and impact of the "doctrine of national security";

(c) Use of laws and jurisprudence in furtherance of the "doctrine of national security";

(d) Preventive detention, arbitrary arrest and detention, arrest without judicial intervention.

2. The Regional Council on Human Rights in Asia, with regard to the World Conference's second objective to examine the relation between development and the enjoyment by everyone of economic, social and cultural rights as well as civil and political rights, recognizing the importance of creating the conditions whereby everyone may enjoy these rights as set out in the International Covenants on Human Rights, proposes the integration of the following specific topics in the Conference Agenda:

(a) Foreign debt, structural adjustment in relation to human rights;

(b) Effects of development aid, development policies and strategies on rights and freedoms;

(c) Activities, policies and framework of operations of the different specialized economic agencies (e.g. International Monetary Fund, World Bank, United Nations Development Programme, United Nations Conference on Trade and Development, etc.) and their impact on human rights.

SERVICE JUSTICE AND PEACE IN LATIN AMERICA

Service Justice and Peace in Latin America recommends the holding of Regional Conferences prior to the World Conference; that the host country must specifically respect the Universal Declaration of Human Rights; that the host country must be a developing country; and that every representative at the World Conference have an equal voice and voting rights.

SIERRA CLUB LEGAL DEFENSE FUND

1. For several years, Sierra Club Legal Defense Fund has been actively involved in human rights work at the United Nations due to our own interest and to our close association with Friends of the Earth International. In our capacity as counsel for Friends of the Earth International, we urged the Sub-Commission on Prevention of Discrimination and Protection of Minorities to begin addressing the critical issue of human rights and the environment. We

were very pleased that both the Sub-Commission and the Commission on Human Rights have wholeheartedly approved initiatives, and that there is now a Special Rapporteur of the Sub-Commission, Mrs. Fatma-Zohra Ksentini, assigned to prepare a study on human rights and the environment.

2. This initiative on human rights and the environment is especially important in enhancing the objectives of the World Conference on Human Rights because it clearly exemplifies what the General Assembly refers to as "new challenges that lie ahead" (Resolution 45/155, 6th preambular paragraph). We are convinced that the long-neglected topic of human rights and the environment will be one of the most important human rights issues well into the twenty-first century and rightly merits special attention by the World Conference on Human Rights.

3. One way that the Conference could highlight human rights and the environment is to facilitate the participation of Mrs. Ksentini so that she can contribute in a meaningful way in the Conference and its Preparatory Committee. The General Assembly encouraged special rapporteurs to take part in the work of the Preparatory Committee (Resolution 45/155, para. 9). It is to be hoped that funds will be made available for Mrs. Ksentini (and other rapporteurs) to attend the sessions of the Preparatory Committee, as participation in the Conference was not contemplated when the budgets for the studies were prepared.

4. Our concern that human rights and the environment should be given a prominent place at the Conference is in harmony with our overall view that the Conference should focus its attention on emerging areas of human rights law rather than on more traditional ones. Of course, the more traditional areas should not be ignored: the General Assembly has placed a high priority on the assessment of progress in human rights since the promulgation of the Universal Declaration of Human Rights (Resolution 45/155, para. 1). Because far more progress has been made in some of the more traditional areas of human rights than in other areas, it is logical to assume these areas will receive great attention in assessment. However, we feel that the international community has defined and codified human rights law in many of these areas (torture, discrimination, apartheid, slavery protection of criminal suspects). For them, the need is for compliance and enforcement. Other areas, including human rights and the environment, have as yet to be adequately developed. It and other areas of emerging human rights concerns are rapidly overwhelming us all and must be effectively addressed.

5. Two other issues related to human rights and the environment concern us: the rights of indigenous peoples, especially those living in accordance with traditional ways (a cultural rights issue) in areas increasingly threatened by ecological devastation; and the issue of economic justice, especially as it relates to addressing problems of extreme poverty and the equitable distribution of the world's resources. These compelling concerns are contemplated by the General Assembly in resolution 45/155, paragraph 2. We urge the Conference to pay careful attention to these issues.

6. In light of the nature of many of the emerging human rights problem areas, we especially urge attention to be given to the issue of information. This includes full disclosure by Governments and those acting with government authorization, the right to accessible and relevant information, and all aspects of the right to know. The right to information is inherent in promoting and protecting democratic governance, health, safety, ecological balance, allevation of poverty, equitable distribution of resources and full realization of economic, social and cultural rights. We urge the Preparatory Committee to invite UNESCO, ILO and other relevant programmes and specialized agencies of the United Nations and others to submit recommendations on this critical topic.

7. We would also like to urge that the Preparatory Committee and the Conference as a whole pay special attention to the issue of remedies for human rights violations. The wide range of human rights violations suggests that a wide range of remedies ought to be available. In this light, we would like the Conference to consider ways of incorporating some of the more traditional domestic anticipatory remedies - injunctions, restraining orders, etc. - into the United Nations mechanisms. We would also like to encourage creative thinking on ways to assess and enforce financial damage remedies in the United Nations mechanisms.

8. Sierra Club Legal Defense Fund has been active in the Organization of American States and the Inter-American Commission on Human Rights. In the future, we intend to work with all the regional human rights forums. These forums have their own special contribution to make in promoting and protecting human rights. We urge the Preparatory Committee to seek the active participation of regional forums in the Conference, as set out by the General Assembly in resolution 45/155, paragraph 10.

WORLD JEWISH CONGRESS

1. In accordance with paragraph 10 of General Assembly resolution 41/155, the World Jewish Congress wishes to submit its views to the Preparatory Committee on the issues which should find their place on the agenda of the proposed 1993 World Conference on Human Rights.

(a) The strengthening of measures to ensure the indivisibility of civil, political, economic, social and cultural rights;

(b) Intensification of efforts to obtain the universal ratification of the Convention on the Prevention and Punishment of the Crime of Genocide and for the extension of the definition of genocide to include cultural genocide, i.e. any deliberate act aimed at destroying the language, religion or culture of a national, racial or religious group on grounds of national or racial origin or religious belief;

(c) Promotion of optimal coordination of the work of the treaty bodies monitoring human rights, notably under the two Covenants, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child. Further, the International Conference should extend the process of the rationalization of

the work of the human rights treaty-monitoring bodies to a point at which proposals could be envisaged for the institution of an International Court of Human Rights. Its panels and organs should contemplate embracing, on a truly systematized and consolidated basis, the functions of all the existing and prospective human rights treaty bodies;

(d) Consideration of practical proposals for the fusion of the work of all Special Rapporteurs on country situations and Rapporteurs dealing with human rights violations on a thematic basis, with a view to the institution of an Office of a United Nations High Commissioner - or Attorney-General - for Human Rights. This proposal has been considered under many forms, including the appointment of a universal Ombudsman for Human Rights.

2. The World Jewish Congress further urges the World Conference on Human Rights to support the effective implementation of the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, especially by encouraging the elaboration and adoption of a binding United Nations Convention based thereon, as recommended by the Rapporteurs of the United Nations Commission and of the Sub-Commission dealing with this question.

3. The World Jewish Congress also considers that the World Conference would be an appropriate forum for endorsing the draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities, which has completed its first reading by the working group of the Commission on Human Rights. The World Jewish Congress has drawn the attention of the working group to the relevance of the provisions of the Charter of Paris adopted by the 34 Member States of the Conference on Security and Cooperation in Europe on 21 November 1990, expressing their determination to combat all forms of racial and ethnic hatred including, specifically, anti-Semitism, xenophobia and discrimination.

4. In this connection, the World Jewish Congress plans to hold a world conference on the phenomenon of anti-Semitism as one of the most archetypal forms of racism, intolerance and xenophobia to which there is no reference in any international human rights instrument other than the Charter of Paris. The findings of such a conference, held at the highest academic and scientific level, would be transmitted to an appropriate United Nations human rights forum, including possibly the 1993 World Conference on Human Rights, as a contribution to eliminating all forms of intolerance, discrimination, racism and xenophobia.

5. The World Jewish Congress also wishes to stress the importance which it attaches to the endorsement by the World Conference of universal human rights norms in all relevant contexts so that the values of the principle human rights instruments, as expressed in the Universal Declaration, the Conventions, the Covenants and other relevant human rights instruments, are effectively applied to refugee situations, notably in the international protection of refugees with regard to the right to seek asylum from persecution and in the respect of the principle of non-refoulement.

6. The World Conference is also urged to promote the widest possible application of universal principles of human rights norms and standards in the field of humanitarian law applicable to armed conflicts as well as in other fields of humanitarian endeavour.

REPORT ON THE NGO CONSULTATION ON THE WORLD CONFERENCE ON HUMAN RIGHTS*

(United Nations Headquarters, New York, 12 June 1991)

A one-day seminar organized by the NGO Committee on Human Rights/New York with the co-sponsorship of the United Nations Centre for Human Rights

Submitted by the following organizations which comprise the Bureau of the NGO Committee: Bahá'í International Community; B'nai B'rith International/CBJO; Friends World Committee for Consultation; International Alliance of Women; International Association for Religious Freedom; International League for Human Rights; Lutheran Immigration and Refugee Service.

INTRODUCTION

"The General Assembly,

"(...)

"Requests Governments, the specialized agencies, other international organizations, concerned United Nations bodies, regional organizations and non-governmental organizations concerned with human rights to assist the Preparatory Committee and to undertake reviews and submit recommendations on the Conference and its preparation to the Preparatory Committee through the Secretary-General and to participate actively in the Conference..." (resolution 45/155, para. 10).

Consequently, the NGO Committee on Human Rights/New York, a committee of the Conference of NGOs in Consultative Status with the Economic and Social Council (CONGO), convened an NGO consultation at United Nations Headquarters, New York on 12 June 1991. Approximately 65 NGO representatives, including human rights experts and observers from nine Permanent Missions, heard three keynote speakers in the opening plenary session: Mr. Liviu Bota, Coordinator

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* The International Council of Jewish Women and the World Federation of Methodist Women submitted a contribution of joint recommendations prepared for the NGO consultation, the contents of which are largely reflected in the report of the Consultation. That paper is available from the Secretariat.

for the World Conference on Human Rights, United Nations Centre for Human Rights; H.E. Mr. Andreas Mavrommatis, Ambassador and Permanent Representative of Cyprus to the United Nations; Mr. Daniel N. Wegener, Chair, NGO Committee on Human Rights/New York and Bahá'í International Community Representative to the United Nations. The opening plenary session was chaired by Mr. Ralston Deffenbaugh, Executive Director of the Lutheran Immigration and Refugee Service; the closing plenary was chaired by Mr. Harris Schoenberg, Director, United Nations Affairs, B'nai B'rith International/CBJO.

Subsequently, the participants formed three working groups to hear and discuss papers and proposals on a wide range of issues. The working groups included:

Working Group I: "Implementation of existing United Nations standards and effectiveness of mechanisms";

Working Group II: "Standard setting: developing new elements and refining old ones";

Working Group III: "Promotion of human rights information and a successful World Conference on Human Rights".

The recommendations discussed in the three working groups are summarized below. It is the policy of CONGO that its committees may not speak on behalf of CONGO nor of the NGOs that comprise its committees. Therefore, it is important to note that the NGO Committee on Human Rights offers this document strictly as a report of what transpired during the Consultation. The views expressed herein do not represent the official views of the Committee, nor of its members. The participants in the Consultation represented a wide range of NGOs. They included not only NGOs specializing in human rights issues, but also NGOs whose field of interest comprised these issues and others related to human rights. (See list of participants attached.) For this reason, the recommendations include a wide range of ideas expressed with varying degrees of precision. Some issues were discussed in more than one working group, which resulted in some repetition. At the closing plenary, the rapporteurs of th working groups presented the recommendations of the working groups, which were accepted without debate. The enthusiasm and interest of NGOs in the World Conference on Human Rights was evident throughout the consultation and is reflected in the following report.

WORKING GROUP I: "IMPLEMENTATION OF EXISTING UNITED NATIONS STANDARDS AND EFFECTIVENESS OF MECHANISMS"

Recommendation Number One: International Criminal Court

1. Whereas the most fundamental human right is the right to life - which includes freedom from being killed in a war of aggression - the world community has an obligation to prevent the crime of aggression and all other crimes usually associated with it, such as rape, pillage, arson, devastation of communities, hostage-taking, terrorism, as well as war crimes and crimes against humanity.

2. Therefore, it is recommended that the Preparatory Committee include on the agenda of the World Conference on Human Rights in 1993 an item entitled "Establishment of an International Criminal Court to deal with all international crimes that violate human rights".

Recommendation Number Two: The Human Rights of Women

3. In order to strengthen human rights implementation, it is necessary to ensure the recognition of women's human rights and the participation of women at every level of the national and international systems. For example, women should be included in the monitoring bodies of the various human rights instruments and they should be involved in an increased number at all levels in advisory services programmes. These services should be further developed.

4. There should be much more intensive coordination among the different monitoring and deliberating bodies, including the Committee established under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Commission on the Status of Women. This should result in a periodic review of methods of work.

5. When cultural practices violate the dignity of the human person, in particular that of women, they should not be considered cultural "rights" for they violate the rights as conceived in the Universal Declaration of Human Rights and in the legal instruments which have been derived from it.

6. There should be more attention given to the impact of scientific and technological developments on human rights and consultation on these subjects should include women as well as men, the young as well as the ageing. In particular, there should be a study on the impact of the use of biotechnologies on women and children, especially in the developing countries.

7. A background paper for the World Conference should be prepared by the Centre for Human Rights on the historical and contemporary treatment of women's human rights issues by the Commission on Human Rights, the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee against Torture, and all other human rights bodies in the United Nations system.

8. Complaints concerning women's human rights should be considered under the complaint procedures of the Commission on Human Rights. Women's human rights issues falling within the mandates of established human rights procedures, such as those of special rapporteurs and treaty bodies, should be considered under those procedures. For example, complaints concerning the torture of women should be considered in the course of work of the Special Rapporteur on torture.

9. Considering the symbolic as well as practical importance of delegation membership, Member States should be urged to include a significant number of women in their delegations to the General Assembly, ECOSOC, the Commission on Human Rights and other United Nations bodies. To the extent possible, these women should possess a degree of seniority within the delegation.

10. The bodies served by the Centre for Human Rights and the Division for the Advancement of Women should continue to develop and reinforce the exchange of information between them, with a view towards increased cooperation in standard setting and implementation of treaties. To that end, a framework for exchange of reports between the Commission on Human Rights and the Commission on the Status of Women should be established, as well as a schedule of regular meetings between the chairpersons of the two bodies.

11. The World Information Campaign should be intensified and Member States should be urged to introduce "legal literacy" courses, i.e. knowledge of rights and responsibilities at all educational levels, from primary to post-graduate schools.

Recommendation Number Three: Strengthening the Human Rights Implementation Mechanisms

12. With the chief purpose being to strengthen the human rights implementation mechanisms, the following recommendations are proposed:

A. Increase staff to handle the appeals and allegations of violations submitted to the thematic rapporteurs; increase resources to assure follow-up by the rapporteurs, on-site visits by the rapporteurs and their consultants, if any, and other measures aimed at advancing the protection of human rights and the end of violation of those rights.

B. Extend the mandates of the thematic mechanisms and rapporteurs to establish permanent mechanisms to undertake these responsibilities.

C. In the interest of further strengthening the structure which promotes and protects human rights, the creation of a new post of High Commissioner for Human Rights is recommended.

Recommendation Number Four: Refugees and Human Rights

13. Noting that there is no separate United Nations body to facilitate information sharing and coordination between the bodies of the United Nations, such as between the Centre for Human Righte and UNDP or UNHCR, we recommend that the United Nations Secretariat prepare studies demonstrating the working links between such bodies in the interest of strengthening the work of human rights monitoring and implementation. Special attention should be paid to violation of the rights of refugees.

Recommendation Number Five: Self-Determination

14. Because the culture, traditions and environment of indigenous peoples should be respected, it is recommended that the 1993 World Conference on Human Rights strengthen the right to self-determination of all peoples by ensuring a full opportunity for indigenous peoples, and for all peoples who are victims of colonialism, to participate in the preparatory process of the World Conference.

WORKING GROUP II:

"STANDARD SETTING: DEVELOPING NEW ELEMENTS AND REFINING OLD ONES"

Recommendation Number One: Sexual Exploitation

15. Many international women's human rights achievements are seriously threatened by a severe regression in women's conditions through the massive sexual exploitation of women, especially in prostitution. Throughout the world today prostitution has been "normalized" by the widespread culture of violence against women. Industrialized prostitution such as sex tourism and mail order brides take the form of multinational conglomerates specializing in producing packages of sexual services. Women in the migration process, refugee women and displaced persons are among the most vulnerable groups to prostitution and sexual exploitation today. Prostitution deeply aggravates harm experienced by women in these situations.

16. Pro-prostitution organizations have fused women's rights with "prostitution rights". Prostitution cannot exist as a right because, as a violation, it usurps and negates prostitute women's already established right to human dignity, bodily integrity and physical and mental well-being and it constitutes a severe condition of sex discrimination.

17. Today the 1949 Convention for the Suppression of Traffic in Persons and of the Exploitation of the Prostitution of Others has only limited value in protecting women's human rights because (1) it promotes decriminalization which frees the customer to buy sex which is to buy a body, and that legitimates prostitution, and (2) it ignores the effect of sexual exploitation in prostitution and the role of prostitution in the overall subordination of women in society. However, because of its prohibition of pimping, it is recommended that the World Conference consider the need to strengthen the 1949 Convention, especially in terms of monitoring.

18. Also, it is recommended that the World Conference consider that there is a need for a new approach to prostitution which recognizes that it sexually exploits and victimizes women based on universal standards of human rights applicable to all persons exploited sexually and, therefore, propose the elaboration of a new United Nations Convention against sexual exploitation which should incorporate the following elements:

A. It is a fundamental human right to be free of sexual exploitation.

B. Sexual exploitation is a practice by which person(s) achieve sexual gratification or financial gain or advancement through abuse of a person's sexuality by abrogating that person's human right to dignity, equality, autonomy, and physical and mental well-being.

C. Sexual exploitation takes the forms of but is not limited to sexual harassment, rape, incest, wife abuse, pornography and prostitution. Exploitation of prostitution includes casual, brothel, military, pornographic prostitution and sex tourism, mail order brides, and trafficking in women.

D. As sexual exploitation violates human rights, in prostitution we must depenalize the prostitute, penalize the customer and anyone who promotes sexual exploitation to achieve sexual gratification or financial gain or advancement, including pimps and procurers.

E. Sexual exploitation violates the human rights of anyone subjected to it, female or male, adult or child, western or third world person. Therefore, this definition rejects any of these distinctions as artificial and serving to legitimize some prostitution.

F. Sexual exploitation preys on women and children made vulnerable by poverty and underdevelopment, their status as refugees or displaced persons, and economic policies which promote immigration for labour.

G. Sexual exploitation of women through prostitution victimizes women both within and outside of prostitution. When prostitution is accepted and normalized, what is legitimized is the sale of the body and sex of the individual prostitute and it is the sale of any woman. It reinforces the societal equation of women with sex which reduces women to less than human and contributes to sustaining women's second-class status throughout the world. When prostitution is accepted, what is legitimized is not only the sale of sex and of the individual prostitute, the sale of a woman, but is also the sale of any woman.

19. It is requested that relevant NGOs and UNESCO be asked to make available appropriate background papers on this issue, for example, "Final Report: International Meeting on the Convention for the Suppression of Traffic in Persons and of the Exploitation of the Prostitution of Others", April 1991, to be issued in July 1991 by UNESCO (draft developed by the Coalition Against Trafficking in Women); "Prostitution, Sexual Violence and Victimization: Feminist Perspectives on Women's Human Rights" by Kathleen Barry, Executive Director, Coalition Against Trafficking in Women; and "Legal Analysis of the 1949 Convention for the Suppression of Traffic in Persons and of the Exploitation of the Prostitution of Others" by Pamela Jackson for the Coalition Against Trafficking in Women.

Recommendation Number Two: The Promotion and Protection of the Human Rights of Women.

20. Problems faced by women, particularly those arising from traditional practices or when taking place in the home, have usually been approached as a question of social and economic development and not as human rights issues. No fact-finding, complaint or recourse procedures comparable to those established in the human rights field exist under the international standards and mechanisms for women.

21. The World Conference on Human Rights could play an extremely important role in sensitizing international public opinion to this disparity and promoting action to redress this situation, in which women are either made invisible or marginalized. It is urged, therefore, that the Conference:

A. Include in its agenda as a priority issue an item entitled "The promotion and protection of the human rights of women";

B. Call on international human rights treaty bodies and other human rights bodies to take fully into account the situation of women in their interpretation of human rights provisions and in their supervisory and other activities;

C. Examine the shortcomings of the current communications procedure of the Commission on the Status of Women, with a view to recommending that the latter's mandate be expanded in a manner comparable to that of the Commission on Human Rights in order to empower it to consider complaints, to identify situations of human rights violations specific to women and to recommend remedial action;

D. Consider the possibility of recommending the drafting of an optional protocol to the Convention on the Elimination of All Forms of Discrimination Against Women authorizing the relevant Committee to receive and act upon individual complaints;

E. Consider the possibility of recommending the appointment of a thematic Rapporteur of the Commission on Human Rights on the promotion and protection of the rights of women who would, in cooperation with intergovernmental, governmental and non-governmental organizations in the human rights and women's rights fields, in particular the Commission on the Status of Women and CEDAW, identify practices that violate the human rights of women, monitor situations, evaluate standards and mechanisms and stimulate action as necessary;

F. Consider recommending that the World Public Information Campaign for Human Rights should be used to inform women regarding their human rights and on how to use existing international mechanisms to seek implementation of those rights, as well as to sensitize international public opinion regarding violations of the human rights of women;

G. Consider recommending that the programme of technical assistance in the field of human rights and other technical cooperation resources of the United Nations system should be used to combat practices which violate the human rights of women and to assist the victims.

Recommendations to the Preparatory Committee

H. The chairpersons of the Committee on the Elimination of Discrimination Against Women and of the Commission on the Status of Women, or their representatives, should be invited to participate in the meetings of the Preparatory Committee.

I. Member States should be urged to ensure full equitable participation of women in their delegations to the Preparatory Committee and the World Conference, and in particular to ensure that women are adequately represented in both Bureaux

J. Human Rights NGOs should be called upon to devote particular attention to abuses of the basic rights of women in their work, particularly with regard to preparations for the World Conference;

K. Women's NGOs should be called upon to participate actively in the meetings of the Preparatory Committee and in the World Conference;

L. The Secretary-General of the World Conference and the Centre for Human Rights should be called upon to include the question of the promotion and protection of the human rights of women in all preparatory work for the World Conference, as well as in the proposed provisional agenda;

M. The Secretary-General of the World Conference should be requested to suggest to the Preparatory Committee that the background documentation for the Conference should include reports on the various issues addressed above under (B) and (G) relying, where appropriate, on documentation already available in the United Nations system and the NGO community.

Recommendation Number Three: Proposals for Action in the Field of Religious Intolerance

22. The World Conference on Human Rights is requested to consider the following proposal:

23. Noting that the United Nations through the adoption of conventions and declarations, the undertaking of studies, and other activities such as seminars and advisory services, has made a positive contribution to the reduction of religious intolerance,

24. Recognizing, notwithstanding the above measures, that religious intolerance and discrimination continues in all continents resulting in serious deprivation of human rights,

25. Affirming the need to strengthen existing measures and the need to develop additional instrumentalities to reinvigorate United Nations efforts in this field,

A. Calls upon the Commission on Human Rights to authorize the Special Rapporteur on religious intolerance actively to seek out information and initiate inquiries into alleged violations, and to undertake on-site investigations;

B. Requests the Committee on Human Rights of the Covenant on Civil and Political Rights to complete a general comment on article 18 of the Covenant which pertains to religious freedom;

C. Requests the Secretary-General to organize a seminar on the interrelationship between the enjoyment of the right to freedom of thought, conscience, religion and belief and other human rights and fundamental freedoms, as well as a global consultation on the promotion of human rights standards in various societies, cultures and religions;

D. Authorizes the Human Rights Committee, after completion of the general comment on article 19 to hold a special session to draft an optional protocol to the Covenant on Civil and Political Rights.

Recommendation Number Four: A United Nations Declaration on the Right to Leave One's Country and to Return

26. It is requested that the Preparatory Committee of the World Conference and the World Conference urge the Sub-Commission on Prevention of Discrimination and Protection of Minorities and its parent bodies to bring to fruition the important and long-delayed norm-setting task of promulgating an international declaration codifying article 13 (2) of the Universal Declaration of Human Rights.

Recommendation Number Five: The Human Right to Self-Determination

27. It is requested that the Preparatory Committee and the World Conference consider the following proposal:

28. Noting that there are two standards already accepted by the United Nations for the application of self-determination, the first being colonial domination, the second, under the 1970 Declaration of Principles of International Law Concerning Friendly Relations and Co-operation Among States in accordance with the Charter of the United Nations, being non-representation.

29. It is recommended that the United Nations adopt a third standard. The third standard should be genocide. For if colonial domination or non-representation is sufficient grounds to invoke self-determination, then the horrendous crime of genocide is an even more compelling reason to grant that right, provided, in this as in all cases, the subject of the right does not menace its neighbours. The international recognition of this concept might help to deter those considering genocide.

Recommendation Number Six: Anti-Semitism

30. It is recommended that the Preparatory Committee and the World Conference consider the following proposal:

31. The time has come for the United Nations to take up the struggle against anti-Semitic bigotry as part of its ongoing campaign against all forms of racial discrimination and religious intolerance.

32. The Sub-Commission on Prevention of Discrimination and Protection of Minorities is requested to prepare a study on anti-Semitism, which would then lead to a United Nations declaration on the subject.

33. Also, the United Nations Centre for Human Rights is requested to conduct seminars on the subject with participants from all parts of the world, as it is only by educating the post-Holocaust generation that we can hope to ensure that the horrors of the past will never recur.

Recommendation Number Seven: Impunity for Crimes Against Humanity, War Crimes and other Serious Violations of Human Rights

34. Some NGOs have been working to have the issue of impunity taken up by the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities, and hope that the Sub-Commission in its August 1991 session will do so. These NGOs are asking that the Sub-Commission appoint an expert to study the issue for one year, and then present a report to the Sub-Commission in August 1992, allowing the Sub-Commission to approve a resolution and to send it to the Commission on Human Rights at its forty-ninth session in 1993. The Commission could then set guidelines for dealing with the issue of impunity.

35. If, by 1993, the Commission on Human Rights has not set guidelines for dealing with the issue of impunity, it is recommended that:

A. The World Conference on Human Rights analyse the issue of impunity for violators of human rights, and approve a document containing guidelines to prevent it. That document should be sent to the Commission on Human Rights, for it to develop appropriate standards.

Alternatively, the following should be considered:

B. The World Conference should pronounce its own declaration against impunity for crimes against humanity, war crimes, and other serious violations of human rights.

C. The World Conference should appoint a committee against impunity with the particiption of NGOs and persons having suffered from impunity with the purpose of monitoring situations in different parts of the world where those responsible for such crimes remain free from prosecution and/or punishment.

D. The World Conference should set guidelines for national laws that grant any sort of impunity for violators of human rights. If the Conference finds it necessary, a mandate to work on a convention against impunity for crimes against humanity, war crimes and other serious violations of human rights should be given to the Commission on Human Rights.

E. The World Conference should set guidelines to initiate a worldwide campaign of information and education about the responsibility vis-à-vis the Member States and the international community of those responsible for violations of human rights.

Recommendation Number Eight: NGO's Parallel Activities

36. It is recommended that an NGO Forum be organized concomitantly with the official World Conference on Human Rights to which all NGOs would be invited to attend and in order to allow the useful interaction between participants in both the Conference and the Forum. The Nairobi forum was cited as a valuable precedent.

Recommendation Number Nine: Women and Health

37. The World Conference should look at the issue of women and health in all its various aspects.

Recommendation Number Ten: International Humanitarian Intervention

38. The World Conference on Human Rights should elaborate the justification for humanitarian intervention as well as the limits and dangers of such intervention.

Recommendation Number Eleven: Interrelatedness of Rights

39. The World Conference on Human Rights should look at the interrelationship of violence and repression associated with the denial of economic, social and cultural rights and violence and repression associated with the violation of civil and political rights.

Recommendation Number Twelve: The Illegal Use of Armed Forces

40. The World Conference on Human Rights should look at the role and functions of armed forces since, in many instances, they function outside the law.

Recommendation Number Thirteen: Ending Capital Punishment

41. The World Conference on Human Rights should examine ways to promote the eventual elimination of capital punishment.

WORKING GROUP III:

"PROMOTION OF HUMAN RIGHTS INFORMATION AND A SUCCESSFUL WORLD CONFERENCE ON HUMAN RIGHTS"

42. The following recommendations are given in the interest of mobilizing human and material resources, creating greater public awareness and affecting the lives of people by allowing them the opportunity to live within the light of human rights.

43. Governments should be encouraged to include representatives of grass-roots groups in their delegations to the Preparatory Committee.

44. The Preparatory Committee should insist on the participation of NGOs at the World Conference and at its sessions.

45. It is strongly recommended that a number of broadly based and widely representative preparatory conferences be held at the regional level.

46. The preparations for the Conference should promote the development of educational materials on human rights related to people and their concerns. This material should be holistic and comprehensive, including both economic, social and cultural rights as well as civil and political rights.

47. It is recommended that more national and local human rights groups be actively involved in and become beneficiaries of the United Nations programme of advisory services in the field of human rights.

48. The lack of resources given to the Centre for Human Rights and the United Nations Department of Public Information for the promotion of human rights and education should be noted and addressed.

49. The Conference should promote human rights education in order to add energy to the movements that already exist and to promote the creation of new ones. Beyond the distribution of international conventions and declarations, this educational process should promote information and action that effect positive change in peoples' lives.

Notes

1/ Universal Declaration of Human Rights, articles 3 and 25; International Covenant on Economic, Social and Cultural Rights, article 12; International Covenant on Civil and Political Rights, article 6.

2/ See e.g. the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights.

3/ See e.g. article 24 of the African Charter on Human and People's Rights.

4/ See: Report of the Secretary-General on the International Seminar on Popular Participation (Ljubljana, 17-25 May 1982) (A/37/442).

5/ Document A/38/338. India stated that its Department of Environment has established programmes to (a) collect, process and disseminate environmental information, and (b) increase public awareness of environmental issues and to stimulate public participation in activities for environmental protection.

List of Participants

AMERICAN JEWISH COMMITTEE

ANGLICAN CONSULTATIVE COUNCIL

BAHA'I INTERNATIONAL COMMUNITY

B'NAI BRITH INTERNATIONAL/CBJO

CHRISTIAN CHILDREN'S FUND

COALITION AGAINST IMPUNITY

COALITION AGAINST TRAFFICKING WOMEN

DEFENSE OF CHILDREN INTERNATIONAL

THE EXPERIMENT IN INTERNATIONAL LIVING

FEDEFAM

FRANCISCANS

FREEDOM, JUSTICE AND PEACE SOCIETY

FOUR DIRECTIONS COUNCIL

GREEK ORTHODOX ARCHDIOCESE OF NORTH AND SOUTH AMERICA

GREEK ORTHODOX COUNCIL

INTERNATIONAL ALLIANCE OF WOMEN

INTERNATIONAL ASSOCIATION AGAINST TORTURE

INTERNATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS

INTERNATIONAL ASSOCIATION OF EDUCATORS FOR WORLD PEACE

INTERNATIONAL ASSOCIATION FOR VOLUNTEER EFFORT

INTERNATIONAL CONFEDERATION OF MIDWIVES

INTERNATIONAL COUNCIL OF WOMEN

INTERNATIONAL FEDERATION OF CATHOLIC UNIVERSITIES

IFS

INTERNATIONAL HUMANIST AND ETHICAL UNION

ILSW

INTERNATIONAL LEAGUE FOR HUMAN RIGHTS

INTERNATIONAL ROMANI UNION

INTERNATIONAL WOMEN'S HEALTH COALITION

INTERNATIONAL WOMEN'S RIGHTS ACTION WATCH

IRISH NATIONAL CAUCUS

LAWYERS COMMITTEE FOR HUMAN RIGHTS

LUTHERAN IMMIGRATION AND REFUGEE SERVICE

METROPOLITAN IMMIGRATION CENTER OF AMERICA

NATIONAL EMERGENCY CIVIL LIBERTIES COMMITTEE

NATIONAL SERVICE CONFERENCE OF THE AMERICAN ETHICAL UNION

OXFAM

PAN AFRICAN HUMAN RIGHTS

PAX ROMANA

SERVAS USA AND SERVAS INTERNATIONAL

SOCIOLOGISTS FOR WOMEN IN SOCIETY

UNITARIAN UNIVERSALIST UNITED NATIONS OFFICE

UNITED NATIONS CENTRE FOR HUMAN RIGHTS

UNIVERSAL ESPERANTO ASSOCIATION

VOICE OF WOMEN (CANADA)

WOMEN'S INTERNATIONAL LEAGUE FOR PEACE AND FREEDOM

WORLD FEDERATION OF TRADE UNIONS

WORLD GOODWILL

WORLD MUSLIM CONGRESS

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